

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11573-RWZ

ANTHONY P. SCAPICCHIO, M.D.,)
Plaintiff,)
)
v.)
)
MOUNT AUBURN PROFESSIONAL)
SERVICES, a Massachusetts non-)
profit corporation, MOUNT AUBURN)
HOSPITAL, a hospital incorporated)
in Massachusetts, for itself and as)
administrator of the Mount Auburn)
Hospital RetirementPlus 403(b))
Plan, and THOMAS FABIANO,)
Defendants.)
)

**ASSENTED-TO MOTION OF THE PLAINTIFF TO
CONTINUE INITIAL SCHEDULING CONFERENCE**

Now comes the Plaintiff, Anthony P. Scapicchio, M.D., and respectfully moves this Honorable Court to continue the Initial Scheduling Conference regarding this matter from October 27, 2004 until November 9, 2004 or a date thereafter that is convenient to the Court. The Defendants assent to this motion. As grounds for this motion, the Plaintiff states as follows:

1. counsel for the Plaintiff represents another individual who is the respondent in a petition that has been filed by the Commonwealth of Massachusetts, pursuant to M.G.L. c. 123A *et seq.*, for indefinite commitment to the Massachusetts Treatment Center as a purportedly “sexually dangerous person”;

2. the M.G.L. c. 123A matter has been set for trial on October 25, 2004, and the trial is expected to continue for approximately 3 to 4 days;
3. the trial in the M.G.L. .c 123A matter must take place during the week of October 25-29, 2004 in order to comply with the 60-day period set forth at M.G.L. c. 123A, §14(a);
4. the parties to this matter have conferred in accordance with Local Rule 16.1, and have prepared a Joint Agenda of Matters to be Discussed at Scheduling Conference pursuant to Local Rule 16.1(B) and a Proposed Pretrial Schedule including a Plan for Discovery pursuant to Local Rule 16.1(D); and,
5. subject to this Court's schedule, counsel for the Plaintiff and counsel for the Defendants are available to attend the Initial Scheduling Conference on November 9, 10, or 12, 2004.

WHEREFORE, Plaintiff Anthony P. Scapicchio, M.D. respectfully moves this Honorable Court to:

1. continue the Initial Scheduling Conference currently scheduled in this matter from October 27, 2004 until November 9, 2004, or a date thereafter that is convenient for the Court; and,
2. provide such other and further relief that this Court deems just and proper.

Respectfully submitted,
ANTHONY P. SCAPICCHIO, M.D.
By his attorney,

/s/

John S. Day (BBO #639249)
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ASSENTED TO:

MOUNT AUBURN PROFESSIONAL SERVICES, a Massachusetts non-profit corporation, MOUNT AUBURN HOSPITAL, a hospital incorporated in Massachusetts, for itself and as administrator of the Mount Auburn Hospital RetirementPlus 403(b) Plan, and THOMAS FABIANO

By their attorneys,

/s/

Philip M. Cronin (BBO #106060)
PEABODY & ARNOLD, LLP
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Date: October 18, 2004

CERTIFICATE OF SERVICE

I, John S. Day, hereby certify that on the 18th day of October, 2004, I caused a copy of the foregoing to be served, by electronic filing and by first class mail, postage prepaid, upon Philip M. Cronin, Peabody & Arnold, 30 Rowes Wharf, 6th Floor, Boston, Massachusetts 02110.

/s/

John S. Day